



FREDERICK COUNTY PLANNING COMMISSION

January 12, 2011

TITLE: **Tractor Supply Company & Endless Summer RV's**

FILE NUMBER: **SP 10-13** (AP#'s 11192, 11283 & 11194)

REQUEST: **Site Plan Approval** (Requesting approval for building expansion of 10,593 sq. ft.; lighting and parking modifications; and APFO & FRO approval)

PROJECT INFORMATION:

LOCATION: Southeast quadrant Devilbiss Bridge Road / US 15
ZONE: General Commercial (GC)
REGION: Frederick
WATER/SEWER: No Planned Service
COMP. PLAN/LAND USE: General Commercial

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: T.E.B., LLC
OWNER: same
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: N. A.
ATTORNEY: Not Listed

STAFF: Stephen O'Philips, Principal Planner

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1: Aerial Photos (#1a & #1b)
Exhibit #2: Justification Letter for Loading Spaces
Exhibit #3: APFO Letter of Understanding
Exhibit #4: Site Plan (Sheets 1-6 of 6)

STAFF REPORT

BACKGROUND:

Development and Parcel History, and Surrounding Features: This property was developed in 1988 with a warehouse/sales building for a boat center with parking surrounding the building. Subsequently, the building was changed to a recreation vehicle (RV) sales and service business ("Endless Summer"), which is located on the site today. It appears that this is the first official Site Plan application for this site.

The existing building and parcel are zoned General Commercial (GC) and have frontages on US 15 (from which no access is allowed) and on Devilbiss Bridge Road, from which an existing access is located. Another GC zoned and developed property is located immediately west of this parcel (which is shown in attached aerial photo #1b). There are no shared accesses with this adjoining parcel.

Across Devilbiss Bridge Road, is another parcel—that while zoned GC—contains a late 19th century, two-story residential structure with German siding, 2-over-2 windows, and a typical five-bay front elevation. There are a number of surviving outbuildings from the early 20th century on this parcel. While it is undetermined whether or not this property is eligible for any kind of a historic register listing, the property is contributory to the agricultural and architectural history of Frederick County.

While there are no known historic structures or sites on the subject parcel, the site is along the *Journey Through Hallowed Ground (US 15)*, a National Heritage Area and a National Scenic Byway. This designation weighs in considering any landscape or lighting modifications that an applicant might request along US 15. Lastly, this subject parcel also provides a communications tower easement for an existing cell tower on site. The tower is built within the large flag pole on-site, and cell tower support equipment is also located on-site. No changes to the cell tower or equipment are proposed.

This Site Plan Application: The Applicant proposes two business uses on the site:

- 1) a continued use by Endless Summer RV's will:
 - a) be classified as a *Sales and Service Center*;
 - b) be located on the northwestern side of the building;
 - c) have a reduced building square footage of 11,561 sq. ft.;
 - d) retain usage of the 1,617 sq. ft. warehouse building; and
 - e) reduce multiple outdoor display areas totaling 158,000 sq. ft. to two display areas (both existing) totaling 59,300 sq. ft. (which are identified with circles on the attached aerial photo #1a).
- 2) a new business Tractor Supply Company is proposed to:
 - a) be a *Farm Equipment Sales or Service*;
 - b) occupy the southeastern side of the building and also occupy the proposed building expansion (10,593 sq. ft.) in the rear of the existing building for a total of 19,800 sq. ft.; and
 - c) utilize 15,000 sq. ft. of outdoor display area.

Overall, the Applicant proposes to expand the current building square footage (22,385 sq. ft.) to 32,978 sq. ft. (or a 10,593 sq. ft. net increase) for retail areas, service and storage areas. Overall, the Applicant proposes to reduce outdoor display areas from 158,000 sq. ft. to a total of 72,300 sq. ft.. Additionally, parking lot layout, landscape, lighting and signage changes are also proposed. Because this is a site with an existing building, the areas of proposed change were evaluated against the current site development standards listed in the Zoning Ordinance.

SITE USE, CIRCULATION, PARKING & UTILITIES:

Land Use and Zoning Review: The site is zoned General Commercial (GC). The Zoning Ordinance Use Table (§. 1-19-5.310) lists *Sales and Service Center* and *Farm Equipment Sales or Service* as a principal permitted uses in the GC zone subject to site development plan approval. Also, both of these uses are prohibited within wellhead protection areas (WHPA). Outside of WHPA's the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50. These issues are further discussed under the "Environmental" section of this report.

Dimensional Requirements/ Bulk Standards: The existing and proposed building areas meet front, side and rear setback requirements; and all other bulk requirements according to the following table:

<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
<i>Commercial use</i>	<i>12,000</i>	<i>-</i>	<i>100</i>	<i>25</i>	<i>8</i>	<i>25</i>	<i>60'</i>

Lastly, while architectural review is not required under the Zoning Ordinance for buildings within the GC zone, the Applicant has noted that the building addition will comply with the height limitation of 60' in the GC zone at the time of permit application.

Access/Circulation and Road Frontage Improvements: The site currently has an access from Devilbiss Bridge Road, which has 10' shoulders on both sides of the road and adequate site distance in both directions. No additional engineering changes are expected to be needed for this entrance or the approaches to this entrance. However, off-site intersection improvements to Devilbiss Bridge Road and US 15 will be required under APFO and SHA permit requirements. These improvements are discussed under the "APFO" section of this report.

Currently, a one-way, counter-clockwise traffic flow is designed on the property. The Applicant proposes to create a more flexible two-way circular pattern around the building for vehicular access. There are some modifications to the existing one-way flow, which have been supported and approved by Staff, and are discussed below.

Parking Space and Design Requirements: Section 1-19-6.220 of the Zoning Ordinance requires that this land use provide a total of 104 parking spaces. The Applicant has provided 104 spaces in a unique design that accommodates the particular users for this site. The entire parking lot surrounding the building has been designed with a two-way flow pattern with mostly 90° parking, which the Staff believes is best suited for retail environments. In this case, however, because there are likely to be a number of pick-up trucks--some with attachments--the parking lot design was modified to accommodate these vehicles with a 60° one-way flow in the front of the building. This unique parking lot design will simultaneously allow two-way flow for normal vehicles and one-way flow for the larger vehicles needing a 60° parking arrangement.

Also, because of the retail nature of the operations, the Applicant has requested, and the Staff supports an increased parking aisle width depth from the standard 24' to 26' at one location in the front of the building and at one location in the rear of the building where 90° truck parking is likely to occur.

The Applicant is required to provide five ADA-compliant parking spaces, two being van accessible. The Applicant has only provided four spaces (all being van accessible) and needs to create another ADA-compliant parking space in the front. Additionally, the Reserved Parking sign needs to be amended to include fine data.

With regard to the requirement to connect to the adjoining parking lots, the Applicant requests a waiver to not connect to the adjoining parcel to the west. The Staff offers no objection to an FcPc waiver necessary to *not* connect to the adjoining parking lot because the way the two properties are laid out, there is not a close relationship of the two parking lots, and a connection would require extensive drive aisle creation.

Bicycle Parking: The Applicant is required to provide five bicycle parking spaces based on the number of vehicular parking spaces. The Applicant has elected to provide exactly that amount, providing three at the front of the stores and two at the employee entrances at the back. The Applicant has provided a 1" = 20' inset indicating how the pavement for the bicycle parking will interface with the sidewalk and surrounding landscape.

Loading Area: Based on the square footage of the building, the Applicant is required to provide four large loading spaces. The Applicant is requesting a modification to allow for only one large loading space. The Applicants justification letter is attached to this report. The Staff views the one designated loading area as sufficient to accommodate the loading needs of the Tractor Supply given the unique type of product that Tractor Supply has. The Endless Summer loading and unloading needs involve large vehicles located on-site for product display.

Utilities: The parcel is classified as No Planned Service. The site is served by individual well and septic.

ENVIRONMENTAL ANALYSIS:

Open/Green Space and Floodplain Issues: Other than soil-base requirements for trees and setback requirements, there are no special open or green space requirements in the General Commercial zone.

Landscaping: The Applicant proposes landscape improvements with this Site Plan application in order to meet landscape requirements of the Zoning Ordinance that became effective January 29, 2010 by addressing the following subcategories:

- a) street tree planting requirements;
- b) 20% canopy analysis of parking lot area;
- c) Not more than a 10-parking-bay-average by creating additional parking islands;
- d) Demonstration of usage of native species;
- e) Buffering and screening along common property lines; and
- f) Buffering and screening of parking lots.

- a) *Street tree planting requirements:* The Applicant has provided nine street trees and is also claiming credit for five existing evergreen trees and forest areas along Devilbiss Bridge Road. Together, these trees meet the street tree planting requirements along Devilbiss Bridge Road. The Applicant would owe 23 trees along US 15 to meet the street tree requirements. There is an existing band of new tree and shrub growth that would generally meet the requirements for 23 trees. However, an additional planting of four trees is needed to fulfill this requirement at the northwestern end of the site. The southern portion of this frontage will be protected with a forest easement.

- b) *20% canopy analysis of parking lot area:* The Applicant has provided a total canopy-coverage of 20%, thus meeting the minimum requirement of 20% for the lease area.
- c) *Not more than a 10-parking-bay-average by creating additional parking islands:* The Applicant has created an average bay run of 8, less than the 10 maximum allowed. Also, the Applicant has not exceeded the maximum run allowed of 15.
- d) *Demonstration of usage of native species:* The Applicant has provided 100% native species use for trees.
- e) *Buffering and screening along common property lines:* The Applicant is providing a combination of over-story deciduous trees and scattered shrubs to provide a filtering effect with the adjacent property to the west. The Staff considers this amount a landscaping to be sufficient and in keeping with the recently proposed Landscape Guidelines when providing landscaping to adjoining properties with the same zoning.¹
- f) *Buffering and screening of Parking Lots:* The Applicant has provided a combination of native evergreen over-story and under-story trees, and large native shrubs to help screen the parking lot. This particular screening requirement is exacerbated by the fact that the parking is built upon a 3' – 6' retaining wall, while the trees and shrubs are planted as the base of the retaining wall. Therefore, the trees need to be planted in a slightly larger size in order to achieve required screening within a reasonable amount of time. Therefore, Staff is recommending that the trees planted along the retaining wall be increased in size to 8'-10' height minimums with and 2 ½ caliper inch minimums; the proposed shrub heights already are slightly oversized. Also, an additional four White Pine trees are needed in the front to provide adequate screening.

Lastly, there are invasive exotics (weed trees) growing in the northeastern portion of the parcel, which the Applicant has documented and agreed to remove and as part of the Fianl Forest Conservation Plan and Forest Improvement Plan Agreement.

Containment of Hazardous Substances: The purpose of wellhead protection is to protect groundwater resources of community public water supplies to reduce the potential for ground and surface water contamination. This site is not located within a wellhead protection area (WHPA). Outside of WHPA's the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50 and §1-19-7.600 (D). The Applicant has complied with the restrictions for storing hazardous substances and flammable liquids and notes such in the Site Plan Notes #14 and 20 on Sheet # 2 of the Site Plan set.

Storm-water Management (SWM) Design: This project was tested with regard to the requirements of the Maryland Stormwater Management Act of 2007 (SWM 2007), which became effective May 4, 2010. The Applicant is proposing a series of grass channels and an infiltration facility along US 15 which will treat storm-water prior reaching the existing SWM pond.

Forest Resource Ordinance (FRO): There are priority systems on site. The Applicant proposes to meet FRO requirements by providing a forest easement on a portion of the hydrological system and stream buffer located on the northeastern edge of the property.

¹ It should be noted that the product display are adjacent to Devilbiss Bridge Road is not technically a part of the proposed area of change and has, therefore, not been subjected to this Site Plan review with regard to these screening requirements.

MISCELLANEOUS DESIGN ISSUES:

Lighting: Except for the service court in the rear of the building, the Applicant has submitted a Lighting Plan showing a 1.0 to 5.0 foot-candle illumination of the parking lot during business hours. These values are not out of normal range of 3.0 – 4.0 ft. candle for retail parking lots. The service court has ft.-candle levels that range from 3 – 10 ft.-candles, which the Staff finds to be acceptable given the security needs for loading and unloading, and the fact that the service court is largely hidden from the US 15 corridor and is buffer by an adjoining forest easement area.

The Applicant has submitted a Lighting Plan for non-business hours, showing a reduction of lighting in the front of the stores and along the entrance drive. The applicant does not plan to reduce lighting on the outdoor product display areas that are most adjacent to US 15.

Light pole standards were adopted with the Zoning Ordinance text amendment that became effective January 29, 2010. The light pole height limits for commercial lots are 18', which are being used by the applicant in all areas except the RV display along US 15. The Applicant requests a light pole height of 25' in order to avoid conflicts with the heights of the RV's themselves. The Staff supports the modification for practical reason that the RV's need lighting located above the RV heights.

Signage: The Applicant is allowed a total allocation of 144.9 sq. ft.. The Applicant proposes two free-standing signs—one along each road frontage. Both signs meet setback and height limitations. The Applicant also proposes building-mounted signs for both businesses that are appropriate for the allotment.

Trash Dumpster and Recycling: The Applicant has designated an existing dumpster location in the rear of the property. The Applicant needs to add a note to the Site Plan that states that the trash removal is by private hauler and to describe the extent to which they can provide recycling.

Building Elevations and Height: There is no architectural review authority for structures in the RC zone. The Zoning Ordinance limits building heights in the GC zone to 60'. The Applicant has noted this limit on the Site Plan.

ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):

In General: This project was reviewed for potential impacts on schools, water/sewer and roads. This project was determined to generate no impacts on schools, utilities or traffic.

- ☐ **Schools:** The non-residential nature of this project has no impact on schools.
- ☐ **Water and Sewer.** The Property is currently classified No planned Service. The Division of Utilities and Solid Waste Management (DUSWM) has approved the APFO test indicating there are no impacts to public water and sewer facilities.
- ☐ **Traffic:** This project was subject to a traffic impact analysis (TIA) because this Site Plan will generate new peak hour trips in excess of 25. The TIA was produced under DPDR management by Wells and Associates, dated November 1, 2010. The uses on the site are capped at 24 A.M. and 51 P.M. weekday, and 118 Saturday, peak hour vehicle driveway trips. Two intersections were identified for

study: US 15/Devilbiss Bridge Road and Devilbiss Bridge Road/Old Frederick Road. The former was found to be inadequate because of unacceptable delay at the Devilbiss Bridge and Bartgis Road approaches to US 15. A safety assessment was made at the latter intersection.

Improvements to US 15 are needed to mitigate traffic intersection failures caused by the increased trips generated by this project. The following road improvements shall be completed by the applicant in order to satisfy the APFO obligations of this project:

1. The Applicant, its successors or assigns shall re-construct or cause to be re-constructed, the northbound acceleration lane on US 15, north of Devilbiss Bridge Road by lengthening it to 900' +/- plus taper. Said improvement shall be permitted (guaranteed) by SHA prior to issuance of a building permit and completed prior to Certificate of Occupancy for the Project.
2. The Applicant, its successors or assigns shall pay a full fee-in-lieu of construction for the removal of through and left turn movements on the eastbound approach of Devilbiss Bridge Road and the westbound approach of Bartgis Road at US 15, based on a Developer performed and SHA approved cost estimate (with inflation factor if necessary). The fee shall be paid to the County prior to issuance of any building permits for the Project and placed in an interest bearing escrow account for use by SHA, or others under a SHA permit, when it chooses to perform the construction. Because these turn restrictions could overload adjacent intersections, the State Highway Administration (SHA) has asked for a fee-in-lieu of construction because they intend to more comprehensively study, design and construct improvements to this intersection and additional intersections immediately to the north and south (three in total) in the near term.²

The intersection of Devilbiss Bridge Road/Old Frederick Road has had a past crash history that led to the installation of a blinking intersection beacon and ruble strip approaches to the intersection. In 2007 there were four reported crashes but since then only one. A review of the crash reports show no physical deficiencies (primarily driver error of judgment) and because of this and a recent reduction in crash activity, no additional measures were identified as being needed at this time.

OTHER AGENCY COMMENTS:

Agency	Comment
Engineering Section, DPDR:	Conditional Approval subject to approval of SWM Concept plan prior to FcPc presentation. (At the time of this writing, the Applicant had not completed SWM Concept approval.) Also, SWM Development Plan completion prior to Site Plan approval.
Transportation Eng., DPDR	Approved.

² If qualifying, surplus capacity reimbursement (SCR) would be concurrently established to reimburse the Developer, up to but not exceeding, its proportionate share for the above two improvements. If SCR is established, reimbursement is dependent on potential qualifying corridor development and provides no guarantees of full proportionate repayment.

Agency	Comment
Planning Section, DPDR:	Conditional Approval, subject to adding one ADA-compliant parking space, adding recycling notes, adding four White Pine trees and increasing tree sizes along US 15.
Life Safety, DPDR	Conditional Approval. The proposed building shall require sprinkler protection. The plans need to show the location of water storage tank. Emergency Response Information: 1 st Responder: Walkersville 2 nd Responder: Lewistown
Health Department	Conditional Approval. Gravel over septic must be removed, as shown on Site pLan. Additional delineations of tank, well and pump chamber locations are required.
Historic Preservation	Approved. While there are no known historic structures or sites on the parcel, the site is along the Journey Through Hallowed Ground (US 15), a National Heritage Area and a National Scenic Byway.
State Highway Administration	Incomplete. All SHA APFO concerns have been addressed and they are in accord with the proposed mitigation.

FINDINGS:

The Applicant is requesting approval of Site Plan (AP # 11192) for a building expansion of 10, 593 sq. ft.; lighting and parking modifications; and APFO & FRO approval.

The Staff finds that:

- 1) Site Plan approval can be given for a three-year period from the date of FcPc approval.
- 2) This project is subject to APFO traffic improvements because the number of peak-hour trips is greater than 25 and the intersection at US 15/Devilbiss Bridge Road is inadequate. The Applicant's signed Letter of Understanding proposes to mitigate the failure. The APFO can also be approved for a three year period.
- 3) There is a stream system located on this site. FRO forest requirements are being met with preservation and enhancement of the existing stream forested areas.
- 4) The Applicant's limited storage of hazardous materials and flammable liquids does not exceed Code limitations regarding these materials for sites located outside of wellhead protection areas.
- 5) With regard to parking and site access:
 - a) The site circulation pattern is being enhanced with a two-way flow, which is the most desirable for retail environments. A unique design allowing for a 60° one-way flow for over-sized vehicles is being provided at the front of the stores;
 - b) The Applicant is requesting to increase the required 24' drive aisle to 26' to accommodate truck traffic that the Staff deems beneficial for the users on this particular site;

- c) The request not to connect to the adjoining lots and parcels is justified;
 - d) The Applicant needs to add one more ADA-compliant parking space to meet ADA requirements; and
 - e) Bicycle parking requirements have been met with this design.
- 6) With regard to signage the Applicant's plan meets all signage allotment limitations and requirements.
- 7) With regard to lighting:
- a) The request for 25' pole heights in the area of the RV product display is reasonable given the height of the RV's; and
 - b) The foot-candle illumination for both the business-hour and the non-business-hour plans are relatively benign and comparable with other approved retail projects;
- 8) With regard to landscape requirements, with the additional planting of four Whit Pine trees in the front of the property, that Applicant's plan will have met the following landscape requirements:
- a) street tree planting requirements;
 - b) 20% canopy analysis of parking lot area;
 - c) Not more than a 10-parking-bay-average by creating additional parking islands;
 - d) Demonstration of usage of native species;
 - e) Buffering and screening along common property lines; and
 - f) Buffering and screening of parking lots.
- 9) Based upon the discussion in the report, the Staff finds that the Revised Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

RECOMMENDATION:

Should the FcPc choose to approve this Site Plan application (AP # 11192), the FcPc should also cite the following approvals as well:

- APFO approval (AP # 11283);
- FRO approval (AP 11194);
- Loading space modification to allow one large space [§1-19-6.210 (D)]
- parking-space dimension modification to allow 26' aisle widths [§ 1-19-6.220 (B) (1)];
- waiver not to connect to adjoining parking lots [§ 1-19-6.220 (F)]; and
- lighting modification to allow 25' pole height [§ 1-19-6.500 (G)].

Then the Staff would recommend that the following conditions be applied:

Applicant shall:

- 1) Create another ADA-compliant parking space in the front with appropriate signage.
- 2) Provide the following landscape changes:
 - a) Add four White Pine trees at the northwestern end of the site along US 15;
 - b) Upgrade the trees along US 15 to 8-10' height minimums and 2 ½ caliper inch minimums.
- 3) Comply with Agency comments as this project moves through the development process, including but not limited to adding the trash/recycling note.



Exhibit #1 a

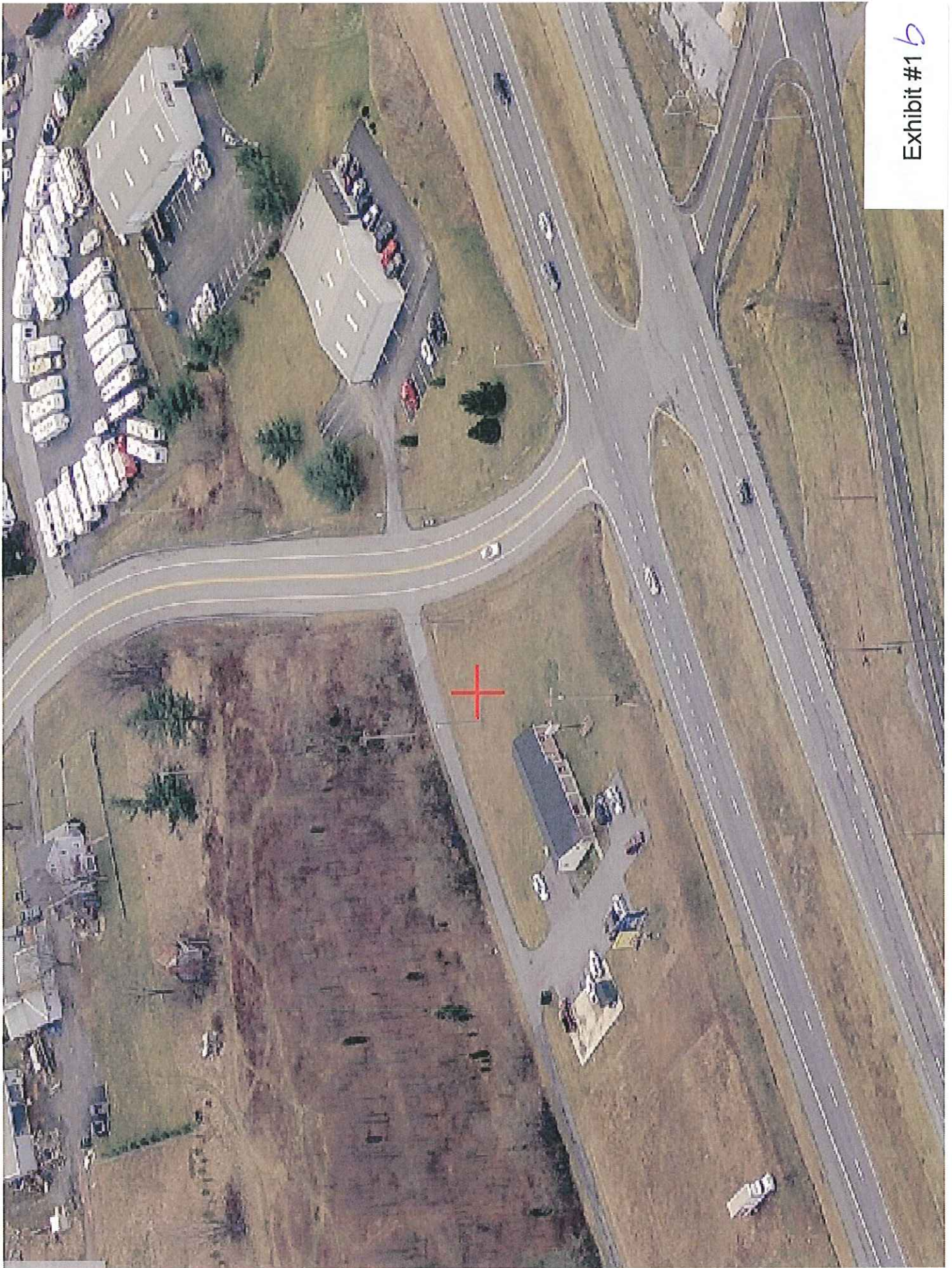


Exhibit #1 *b*



Harris, Smariga & Associates, Inc.

Planners/Engineers/Surveyors
125 S. Carroll Street, Suite 100/Frederick, MD 21701
301-662-4488/FAX 301-662-4906

December 17, 2010

Stephen O'Philips
Frederick County DPDR
30 North Market Street
Frederick, MD 21701

RE: Tractor Supply Company and Endless Summer RV's
Final Site Plan – Job # 6433-0-0000
Hansen # 11192

Dear Stephen:

As suggested at our December 13, 2009, meeting this letter will serve as a formal request to reduce the number of provided loading spaces for the site.

Section 1-19-6210(B) requires 4 large loading spaces. The actual and intended use of the site only requires one large space. In accordance with section 1-19-6.21(D) a modification is requested.

It is our understanding that the Tractor Supply Company receives deliveries by truck from a regional distribution facility. Although they supply a number of different products from different manufacturer's the product is not delivered to each store from the manufacturers. Instead a large central warehouse distributes multiple products in Tractor Supply trucks to the customer stores.

The Tractor Supply Company store proposed at this site does not have a traditional 4' tall loading dock. Instead it is served by a moveable prefabricated steel dock/ramp. As such Tractor Supply can only be served by one truck at a time. This is the standard delivery method for their stores.

The remaining Endless Summer RV's space does not require the delivery of good by large truck. Therefore a modification to reduce the number of required loading spaces to one is requested.

Stephen O'Philips
FCDPDR
Tractor Supply Company and Endless Summer RV's
Hansen # 11192
December 17, 2010
Page 2 of 2



It should be noted that the additional paved areas proposed for truck turnaround and for the Endless Summer service bays can double as staging areas for additional loading if the need were to arise.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Fran Zeller'.

S. Fran Zeller

Cc: Thom Beckley

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DIVISION OF PERMITTING AND DEVELOPMENT REVIEW FREDERICK COUNTY, MARYLAND

Department of Development Review
30 North Market Street • Frederick, Maryland 21701
www.co.frederick.md.us

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

COMMISSIONERS

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Kirby Delauter

COUNTY MANAGER

Barry L. Stanton

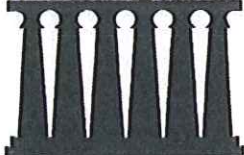
PERMITTING AND DEVELOPMENT REVIEW DIVISION

Gary W. Hessong
Division Director

DEPARTMENT OF DEVELOPMENT REVIEW

Elisabeth S. Smith, P.E.
Deputy Director

CHARACTER COUNTS!



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CARING • CITIZENSHIP

Tractor Supply Company & Endless Summer RV's

Site Plan # SP10-13 (AP #11283)

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and **TEB, LLC** ("**Developer**"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plan for Tractor Supply Company and Endless Summer RV's (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance, ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are constructed or fee-in-lieu provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 10.47 +/- acre parcel of land, which is zoned General Commercial (GC), and located with access on the south side of Devilbiss Bridge Road, just east of US 15. This APFO approval will be effective for development of an approximately 35,000 sq.ft. +/- new retail store in addition to a downsized approximately 51,000 sq.ft. +/- RV sales and repair center, which is shown on the site plan submitted to the Commission for conditional approval on January 12, 2011.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements: The Property is currently classified in the County's *No Planned Service* sewer and water categories. Individual well and septic currently serve this site.

Road Improvements: In accordance with the November 1, 2010 Traffic Impact Analysis by Wells and Associates, Inc., the uses on the site are capped at 24 A.M. and 51 P.M. weekday, and 118 Saturday, peak hour vehicle driveway trips.

The following road improvements shall be completed by the Developer in order to satisfy the APFO obligations of this project:

1. The Developer, its successors or assigns shall re-construct or cause to be re-constructed, the northbound acceleration lane on US 15, north of Devilbiss Bridge Road by lengthening it to 900' +/- plus taper. Said improvement shall be permitted (guaranteed) by SHA prior to issuance of a building permit and completed prior to CoO for the Project.

2. The Developer, its successors or assigns shall pay a full fee-in-lieu of construction for the removal of through and left turn movements on the eastbound approach of Devilbiss Bridge Road and the westbound approach of Bartgis Road at US 15, based on a Developer performed and SHA approved cost estimate (with inflation factor if necessary). The fee shall be paid to the County prior to issuance of any building permits for the Project and placed in an interest bearing escrow account for use by SHA, or others under a SHA permit, when it chooses to perform the construction.

If qualifying, surplus capacity reimbursement (SCR) would be concurrently established to reimburse the Developer up to but not exceeding its proportionate share for the above improvements. If SCR is established, reimbursement is dependent on potential qualifying corridor development and provides no guarantees of full proportionate repayment.

Period of Validity: The preliminary plan approval is valid for three (3) years from the date of Commission approval. Site plan approval expires on January 12, 2014. APFO approval shall be valid for as long as the site plan approval remains valid.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by state and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER:

By: _____

Name: Thomas Beckley

Title: Pres. Managing Member

Date: 12/28/10

FREDERICK COUNTY PLANNING COMMISSION:

By: _____

Robert White, Chairperson

or _____, Secretary

Date: _____

ATTEST:

By: _____

Gary Hessong, Director, Division of Permitting &
Development Review

Date: _____

Planner's Initials / Date _____

County Attorney's Office Initials / Date _____

(Approved as to legal form)